

## **REMARKS**

### **Claim status**

Claims 1-3, 5-11, and 14-26 were pending in the case at the time of the current Office Action. Claims 5, 14-16, 19-20, and 23-24 are cancelled herein. Claims 1 and 8 are currently amended herein. Claims 1-3, 6-11, 17-18, 21-22, and 25-26 are currently pending in the application.

### **Section 102 rejections**

In the current Office action, claims 1, 3-9, and 11-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Peterson et al. (U.S. Patent 5,846,263).

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

Independent claim 1 recites a cardiac pacemaker arrangement comprising:

at least one floating atrial electrode;

a wall electrode; and

at least one circuit adapted to (*emphasis added*):

evaluate atrial signals perceived by said electrodes, and

switch over from a first mode, for effecting atrial myocardium stimulation by means of said wall electrode, to a second mode, for effecting atrial myocardium stimulation by means of said at least one floating atrial electrode, upon perceiving atrial signals that are evaluated as being high-frequency irregularities such as auricular fibrillation or atrial tachycardias as on the basis of inadmissibly high signal frequencies.

Independent claim 8 recites a method of controlling a cardiac pacemaker, said method comprising:

perceiving atrial signals by means of a wall electrode and/or a floating electrode arranged in an atrium of a heart;

evaluating said perceived atrial signals in a circuit of the cardiac pacemaker; and

said circuit switching over (*emphasis added*) from a first mode, for triggering stimulation of a myocardium of the heart by means of said wall electrode, to a second mode, for triggering stimulation of said myocardium of the heart by means of said floating electrode, when said evaluated atrial signals include high-frequency irregularities due to tachycardias or auricular fibrillation.

It is respectfully submitted that Peterson et al. (U.S. Pat. No. 5,846,263), hereinafter Peterson, does not teach or suggest the invention of independent claim 1 or independent claim 8. In particular, Peterson does not teach or suggest a circuit adapted to (*emphasis added*) switch over from a first mode, for triggering stimulation of a myocardium of the heart by means of a wall electrode, to a second mode, for stimulation of the myocardium of the heart by means of a floating electrode, when the evaluated atrial signals include high frequency irregularities that are due to tachycardias or auricular fibrillation.

Instead, Peterson simply describes varying the timing of atrial pacing pulses as a function of sensed atrial and ventricular events. Peterson does not teach or suggest any means for switching between the wall electrode and the floating electrode depending on whether or not high frequency irregularities are detected.

The language of claim 1 indicates that the circuit provides structural limitations over Peterson. That is, the circuit is adapted or designed to switch from a first mode to a second mode as described above. The language of claim 1 is not just functional language. Again, Peterson does not teach or suggest any means for switching between the wall electrode and the floating electrode depending on whether or not high frequency irregularities are detected.

The language of claim 8 includes the method steps of perceiving, evaluating, and switching modes in response to the evaluating step if the outcome of the evaluating step is that of detecting tachycardias or auricular fibrillation. Peterson does not teach or suggest performing such steps.

In summary, Peterson does not teach or suggest a pacemaker which switches modes to select one of two atrial electrodes depending on the nature of the sensed atrial signal, the atrial electrodes including a wall electrode and a floating electrode.

Therefore, in view of at least the foregoing, it is respectfully submitted that independent claim 1 and independent claim 8 are not anticipated by Peterson, and it is respectfully submitted that independent claim 1 and independent claim 8 define allowable subject matter. Also, since claims 3, 6-7, 9, 11, 17-18, 21-22, and 25 depend either directly or indirectly from claim 1 or claim 8, it is respectfully submitted that claims 3, 6-7, 9, 11, 17-18, 21-22, and 25 define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 1, 3-9, and 11-25 under 35 U.S.C. 102(b) be removed.

### **Section 103 rejections**

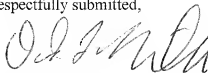
In the current Office action, claims 2, 10, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson.

Applicants respectfully traverse the foregoing rejections in view of the above pending claims and for reasons set forth hereafter.

As described above, Peterson does not teach or suggest the claimed inventions of independent claims 1 or 8 and, therefore, independent claims 1 and 8 define allowable subject matter. Since claims 2, 10, and 26 depend either directly or indirectly from independent claims 1 or 8, it is respectfully submitted that these claims define allowable subject matter as well. Applicant respectfully requests that the rejection of claims 2, 10, and 26 under 35 U.S.C. 103(a) be removed.

Accordingly, the applicant respectfully requests reconsideration of the rejections and objections based on at least the foregoing. After such reconsideration, it is urged that allowance of all pending claims will be in order.

Respectfully submitted,



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